See *New York Produce Exchange* v. *Baltimore & Ohio R. Co.*, 7 Interst. C. Rep. 612, 658. Thus, the commissioners have no power to declare a rate unreasonable on the ground that the carrier has estopped itself from making a raise by a long-continued lower rate. *Southern Pacific Co.* v. *Interstate Commerce Commission*, 219 U. S. 433, 31 Sup. Ct. 288. If they proceed in a federal court to enforce their order, they are not prejudiced by the fact that the original complainant came before them with unclean hands. *Interstate Commerce Commission* v. *Southern Pacific Co.*, 132 Fed. 829. Nor can the fact that the shipper has been engaged in an unlawful combination bar his right to relief at the hands of the commission. *Tift* v. *Southern R. Co.*, 10 Interst. C. Rep. 548. The act allows the shipper two years in which to file his complaint. U. S. COMP. STAT., SUPP. 1909, 1159. It seems an unwarranted assumption of authority for the commission to shorten the time expressly allowed by the very act which it was created to enforce.

JUDGMENTS — OPERATION AS BAR TO OTHER ACTIONS — EFFECT OF JUDGMENT AS JUSTIFICATION FOR ACTS DONE BEFORE ITS REVERSAL. — A decree that the defendant was entitled to a certain amount of the water of a stream was reversed on an appeal by the plaintiff. The undertaking given on appeal did not stay the operation of the decree. After the rendering of the decree and before its reversal the defendant used the amount of water allowed by the decree. *Held*, that the plaintiff cannot recover for damage to his land caused thereby. *Porter* v. *Small*, 120 Pac. 393 (Or.).

It seems to be well settled that no action in tort will lie for acts done in pursuance of an erroneous judgment, subsequently reversed. Where the alleged tort is false imprisonment, no tort is committed, since irregularity in the legal process is an element of the wrong. *Simpson* v. *Hornbeck*, 3 Lans. (N. Y.) 53; *Williams* v. *Smith*, 14 C. B. N. S. 596. In other cases, however, by the reversal the acts done are subsequently proved wrongful; yet the fact that they are done in pursuance of a legal judgment is regarded as a justification. *Loring* v. *Steineman*, 42 Mass. 204; *Thompson* v. *Reasoner*, 122 Ind. 454, 24 N. E. 223. *Cf. Day* v. *Bach*, 87 N. Y. 56. To allow the action would involve the assumption that a valid judgment is not a foundation of rights. *Bridges* v. *McAlister*, 106 Ky. 791, 51 S. W. 603. *Cf. Mark* v. *Hyatt*, 135 N. Y. 306, 31 N. E. 1099. Though this may work a hardship on the defendant, he may protect himself by getting a stay of execution, on giving a proper bond. But it seems also well settled that the defendant must restore any profit he may have made, since it is not equitable for him to keep it. *Lott* v. *Swezey*, 29 Barb. (N. Y.) 87; *Travellers' Ins. Co.* v. *Heath*, 95 Pa. St. 333. In the principal case, however, the question of restitution was not presented.

LEGISLATURES — RIGHT OF SPEAKER TO PREVENT DISORDER BY COMPELLING ATTENDANCE OF MEMBER. — A member of a colonial legislative assembly left the chamber in a disorderly manner. As a necessary measure, to prevent further disorder, the speaker had the sergeant-at-arms bring him back and admonished him. *Held*, that the speaker is liable in an action for false imprisonment. *Perry* v. *Willis*, 11 N. S. W. S. R. 479.

A colonial legislative assembly has no inherent power to punish either a stranger or one of its members for contempt. *Kielley* v. *Carson*, 4 Moore P. C. 63; *Doyle* v. *Falconer*, 4 Moore P. C. N. S. 203. Every legislative assembly, when duly constituted, has the power to compel the attendance of its members. See CUSHING, LAW & PRACTICE OF LEGISLATIVE ASSEMBLIES, 2 ed., § 264. A member who is guilty of disorderly conduct in the assembly may be removed by order of the assembly. See *Doyle* v. *Falconer*, *supra*, 219, 220. It has been held that this power of removal is impliedly delegated to the speaker as necessarily incident to his office as presiding officer. *Toohey*